

**Town of Ancram
Town Board
Regular Meeting
April 18, 2013**

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| Present: | Supervisor Arthur Bassin | Councilman James Miller |
| | Councilman Chris Thomas | Councilman Hugh Clark |
| | Councilwoman Madeline Israel | Town Clerk Monica Cleveland |

The regular meeting of the Ancram Town Board was called to order at 7:00pm with a salute to the flag.

Ms. Lynn Perrella gave an overview of the proposed changes to the vestibule in the town hall. These include making it into a historical exhibit. She showed a model of the proposed changes as well as a breakdown of the cost estimate that totals \$12,543.63. Mr. Bassin suggested that the town board underwrite these costs and then fund raise for the money in the fall. Councilman Clark asked what will happen to the items that are out there now including the table of pamphlets and the mailboxes. Mr. Bassin stated that a place will be found for them. Mr. Jack Lindsey addressed that any renovations have to meet disability requirements.

Councilman Miller made a motion seconded by Councilwoman Israel to fund the vestibule project from the general account to then be reimbursed by contributions from the public. Motion is made in regards to this as long as it does not have to be bid out and meets the town's purchasing policy. Motion carried.

A motion was made by Councilman Miller and seconded by Councilman Clerk to approve the 3/21/2013 minutes as read and have them placed on the record. Motion carried.

Supervisors Report:

Financial Report: Revenues for the three months ending March totaled \$889,000, including \$811,000 in property tax receipts and \$62,000 in 4Q 2012 sales tax receipts. Costs for the three months ending February totaled \$322,000, or about 24% of our full year budget. Spending for the first three months is slightly ahead of the full year run rate because we have pre-paid the full year's insurance premium of \$19,000 and bought a "new" used plow truck for \$35,000. Cash in the bank at the end of March totaled \$1,280,000, with \$56,000 checks outstanding but not yet cleared.

April 18 Town Board Meeting: It is looking like another relatively light Board meeting coming up:

1. **The barking dog law** – we will hold a public hearing at 6:45 pm on the revised draft of Local Law #1 of 2013, and will consider adopting the law as proposed or with any additional modifications.
2. **Wind Turbine Permit Revocation** – The Zoning Enforcement Officer has determined that the Special Use Permits issued in 2010 were issued based on misrepresentations and a failure to disclose relevant information about the noise problems associated with the Bergey Excel 10 wind turbines. Notices of Violations will be issued later this week, and the ZEO will refer the Notices of Violations to the ZBA so the ZBA can determine, after a public hearing, if permit revocations are appropriate. The proposed permit revocations are not designed to prevent the operation of these wind turbines, but to require that the turbines be shut down pending filing new applications which

contain proper disclosures about the noise problems, so they can be reviewed and a plan to mitigate them can become part of the conditions regarding their operation. Once the Notices of Violations have been issued, there could be a \$200 per day fine for each turbine for failure to comply and shut the turbines down during the appeal or reapplication process.

3. **Legal Fees** – Our legal costs in 2013 will be substantially higher than the \$12,000 budgeted for legal matters. Two matters will cause higher than normal legal costs – the highway matter, and the wind turbine revocation matter. I will be proposing that we move \$10,000 from the contingent account to the attorney account to cover the highway matter. We have \$72,000 in the contingent account. The wind turbine matter has cost about \$6000 so far, and depending how this situation develops, could cost substantially more.
4. **Multiple Homes on a Parcel** – The Chair of the Planning Board has recommended that the TB consider allowing multiple principle homes on a single parcel as long as density, septic, water and setback requirements are met. We will review and discuss this proposal on Thursday.
5. **Historic Ancram Vestibule Project:** Lynne Perrella will be presenting a model of what the TH vestibule would look like after it is designed as display space for historic Ancram photos and artifacts. The project will cost about \$12,500, which I am confident we can raise from community contributions. I will recommend that the TB approve this project and “finance” it, so it can be implemented by mid to late summer, and be part of the 10th Anniversary Celebration of the Ancram Town Hall, with the understanding that I will raise the needed funds by year-end.
6. **Heritage Resources Plan** – Over 75 people attended Saturday’s special presentation on the Heritage Resources Plan. Several additional events are planned over the next few months, and the Heritage Resources Planning Committee plans to present the Plan to the TB for adoption later in the year. The Heritage Resources Committee has identified solving the septic problem in the center of Ancram as a critical precondition to attract investment to rehabilitate and put back to productive use the buildings in the Town Center.
7. **Financial Audits:** TB and FAC have completed the review of 2012 Town Supervisor, Town Clerk, Tax Collector and Town Court books and records.

Mr. Bassin stated that the town board has received a letter from the attorney for Paul Waldorf concerning the accident at the Fire House extension sight. The town’s insurance company stated that the town is not liable for this.

Highway Department

Next Saturday the 27th will be town clean up day. Mr. MacArthur asks for any volunteers to work.

The town highway workers have been at the firehouse working.

Mr. MacArthur gave backup to the \$1.5 million proposed investment in the roads.

Mr. MacArthur stated that he has to fix the Crest Lane Bridge which is in great disrepair and may be a costly project. He is getting estimates.

There has been a question if Birch Lane off of Carson Road is a town road. Mr. MacArthur stated that in his 18 years with the town, the road has not been maintained. He will contact some of the retired highway employees to see if it was a road during their time with the town. The rule with the state is that if the road has not been maintained for six consecutive years, it is considered abandoned by the town and becomes a private road.

Sue Bassin was concerned with the road conditions for the walkers and bikers. She suggested that in the plan to update the roads, that the town make them “complete” streets. Mr. Bassin stated that this would

be an imposition to the homeowners who would lose lawn and property if the roads were widened. Mr. MacArthur stated that by repaving, road will be gained on each side.

Ms. Robin Beyer stated that with the new trails on Catalano the car and people traffic has increased and she is concerned with the parking situation. Mr. Bassin will speak to the Land Conservancy regarding this matter.

Mrs. Bassin stated that there are summer job opportunities for youths on Round Ball Mountain this summer.

The FAC will meet this Saturday.

The Ethics Board has had five calls of concern with the Ridgeline and the new zoning. Mr. Lindsey stated that there was concern with comments made by a realtor who is not a town resident. There is concern if a board member has a question or concern with a certain part of the zoning and then the law is changed and they benefit from it. Mr. Clark stated that the ZRC considers all comments from realtors and others on their merits, and a high volume or frequency of comments from any one individual does not the ZRC's decisions. The ZRC is also not intimidated by loud people. He also stated that there have been no changes made to the zoning due to "guidance" by the town board members or other officials.

Communication Committee is producing the monthly newsletter and updating the website.

CAC stated that the biodiversity map is 50% complete, they worked on a response to the herbicides in Lower Rhoda lake, and they wrote a letter in support to the ridgeline protection. On April 28th they are hosting a vernal pool demonstration and will be attending the first meeting of the Taconic CAC.

In regards to the herbicides in the lake, the CAC stated that the form filled out by Camp Pontiac was incomplete.

The Bresslers of Lower Rhoda Lake spoke to the board. They were asking on behalf of the community that the town support them in asking Camp Pontiac to find a better, different way to control the weeds in the Lake. They were concerned with children swimming in the water and that the effects of this are not known. Mr. Bassin asked the Town Board how they wished to proceed. Did they want him to write a letter, or the CAC letter to be sent through the Town Board, or did they want the CAC letter to go directly without the Board involved. Mr. Clark stated that the CAC is an advisory board and that they supply advice to the town board that needs to be acted on by them. He suggested that the town board forward the CAC letter on with support from the Town Board. Mr. Thomas asked if the 49 members were a majority of the community. The Bresslers stated that they were.

Coral Eddie stated that this has happened in the past with Long Lake and that the herbicides were not put in because the residents were opposed to it. Mr. Lindsey stated that by supporting the CAC and the residents, the board is supporting the Comp Plan.

A motion was made by Councilman Clark and seconded by Councilman Thomas to have the CAC letter sent on behalf of the Town Board, to the DEC. Motion carried with Councilwoman Israel abstaining, due to the fact that she is a member of the Lower Rhoda Lake Community.

ZRC Report from ZRC Chair Clark

The ZRC was appointed to “bring the Town’s zoning and subdivision laws into alignment with the Comprehensive Plan.” Other points of guidance stated that “the Zoning Revisions Committee should review and revise zoning, subdivision, site plan and other land use laws to bring them into alignment with the new Comprehensive Plan” and “identify all town laws pertaining to land use and consolidate them in a single Land Use Laws document.”

The ZRC has revised the 1972 Zoning Ordinance section by section and has submitted several sections together as packages for Town Board action.

Package #1, adopted 21 July 2011, comprises:

*Section I: Title and Scope
Section VII: Administration and Enforcement
Section VIII: Zoning Board of Appeals
Section IX: Planning Board
Section X: Amendments
Section XI: Interpretation and Application
Section XII: Definitions [a re-designation of the section]*

Package #2, adopted 20 October 2011, comprises:

*Section XIII: Site Plan Review
Section V (I): Open Space Conservation Subdivisions*

Package #3, adopted 20 September 20 and 18 October 2012, comprises:

*Section II: Establishment of Districts, which includes new
Section II E: Floating Business District
Section III: Use Regulations
Section IV B: Area and Bulk Regulations: Density Control Schedule
Section IV I: Density Bonuses
Section V J: Special Use Permits
Section VI: Non-Conforming Uses, Buildings and Lots*

Package #4, adopted 21 March 2013, comprises:

*Section IVF: Compliance with Minimum Lot Area per Dwelling...and Section IVJ:
Density Calculation
Section V: Supplemental Regulations
Section VJ: Individual Standards for Selected Uses
Section XII: Definitions*

After all sections have been adopted as individual amendments to the current ordinance, the complete compendium of revisions will be organized and submitted for adoption as a single, coherent local law.

After extensive deliberation, the ZRC now recommends that the Ancram Town Board adopt the attached Supplemental Regulations Section V(H): Ridgeline Protection (Enclosure 2) along with the corresponding Town of Ancram Ridgeline Identification and Protection Map. This amendment constitutes the fifth—and final—package of amendments completed by the ZRC.

The amendment helps attain several objectives of the Comp Plan. These include:

The Community’s Vision for 2030—“We protect our environment and our important scenic views. Programs are in place to protect...ridgelines,” and also

Goal 1: “Encourage...the rural, small town, scenic character of Ancram by...preserving...important scenic views,” and

Goal 2: “Develop policies and programs to protect...ridgelines...” with strategies “to protect scenic views, designated ridgelines and rural character, establish...visual impact mitigation recommendations...” and “ensure new development minimizes negative impacts to visual and scenic resources...” and

Detailed Strategy 2.10 Steep Slopes: "Development on steep slopes...can be permitted subject to site plan review and with guidelines and standards which control storm water run-off and visual impacts on ridgelines" and

Detailed Strategy 2.11 Ridgeline Protection: "Establish guidelines to protect designated ridgelines. Designated ridgelines should be determined by the zoning revisions committee based on their topographical prominence and scenic importance. On these designated ridgelines, locate structures so rooflines do not extend above the existing tree line or ridgeline. Use...selective tree removal instead of clear cutting to the maximum extent. These requirements will be mandatory for major subdivisions, and encouraged for minor subdivisions."

Section V(H), Supplemental Regulations: Ridgeline Protection, was initially submitted on 19 September 2012 as part of Package 4.

Public hearings in October/November 2012 and January 2013, plus Town Board guidance in February, provided much feedback. Commonly voiced questions, with answers, are at Enclosure 1.

The ZRC discussed feedback and textual adjustments in December, and extensive deliberations occurred throughout February, March, and early April. Summaries of those deliberations are in meeting minutes posted on the town website.

Based on public feedback, Town Board guidance, research, and extensive deliberation about various scenarios and effects, the ZRC changed the original text of Section V(H). Following is a summary of those changes:

**The original text did not state the intent of the ridgeline protection measures, nor did it state what those measures do not prohibit.*

Section H1 of Draft #9, which is the text now recommended, clearly states the intent of these supplemental regulations, focuses on minimizing visual impacts on designated ridgelines, directly links to Comp Plan vision and goals, and explicitly states that principal and accessory structures are permitted on parcels containing designated ridgelines. Equally important, this subsection overtly states that the Town does not intend to render any lot unbuildable, cites the Planning Board's waiver authority, and underscores the desired balance between development and protective measures.

**The original text called for rooflines to be at least 35' below the ridgeline, or not more than 500' horizontally from the ridgeline if the 35' vertical distance could not be met. This requirement has been deleted.*

Subsection H3e now states that "the top of the structure's roof shall not be higher than the designated ridgeline unless the structure is fully screened by existing vegetation when viewed from publicly accessible locations...." This revision and other parts of subsection H3 emphasize the focus repeatedly cited in the Comp Plan vision and goals—protect scenic views by minimizing visual disturbance.

Yes, this amendment does enable a structure to be built astride a designated ridgeline, but only if that structure is fully screened by existing trees and vegetation when viewed from publicly accessible locations, such as roads or parks. The focus becomes not the structure, but whether the structure is obtrusive when viewed from public sites. Moreover, the tree canopy of forested ridgelines must remain undisturbed.

This revision also provides neighborhood consistency as it coincides with Gallatin's law, and is similar to laws in Hillsdale and Austerlitz.

The amendment also provides guidance at subsection H3h if the designated ridgeline is open fields or scrub growth, rather than forested. The emphasis is on blending with that landscape to be as unobtrusive as possible.

**When deliberating about height below, at, or above the ridgeline, the ZRC envisioned varied scenarios of structure placement, visual obtrusiveness, and operational ease for both landowner/applicant and Planning Board. From that analysis, the ZRC opted for another feature found in Gallatin's law, and in those of other neighbors. Now included in subsection H2 is a ridgeline protection overlay district,*

comprising the designated ridgeline plus 300 feet on each side of the ridgeline. Such a concept achieves visual protection goals, aids both applicant and PB by designating where protective measures do and do not apply, and accommodates any modest imprecision in determining the exact position of the ridgeline itself.

**Contour numbers and grid coordinates have been added to the Ridgeline Identification and Protection Map to more clearly depict the track of designated ridgelines. However, if a landowner/applicant believes that the map does not coincide with reality and that distinction affects the siting of a structure or building envelope, subsection H2c now provides two approaches for substantiating that belief, and authorizes the Planning Board to render a decision and to officially adjust the map.*

**Recommended text at subsection H3i now addresses four devices that are likely to project above a roofline: chimneys, satellite dishes, antennas, and cupolas. The concept is similar to regulations in Hillsdale and Amenia. As the most potentially obtrusive of these devices, cupolas receive special attention.*

**While analyzing the pros and cons of various options, the ZRC considered the possibility that someone might not play by the rules. To promote awareness and thereby prevent unauthorized removal of screening trees and vegetation during and after development, subsection H4 addresses remediation for unapproved cutting.*

As indicated by the summary above, the recommended text for Section V(H): Ridgeline Protection now differs significantly from that initially proposed in September 2012.

Whereas the original proposal concentrated heavily upon where a proposed structure may be placed in relation to a designated ridgeline, the current text provides flexibility about location while concentrating on maintaining the continuity of forest canopies, retaining indigenous vegetation, screening the structure, and minimizing its visibility from publicly accessible locations.

These proposed measures are balanced, and are neither unusual nor extreme. All are practices commonly used by municipalities throughout the Northeast and throughout the United States. All are similar to ridgeline protection measures already adopted by neighboring towns.

Such measures implement Comp Plan Detailed Strategies 2.10 and 2.11 and directly contribute to attaining the objectives of Goal 1, Goal 2, and the Community's Vision that we protect our important scenic views. In addition, these provisions aid storm water and erosion management, as well as wildlife habitat.

Moreover, these measures enable all structures—whether part of a major subdivision, minor subdivision, or single/two family house not part of a subdivision—to follow the same rules. Hence, these recommendations are simple, consistent, and fair, while achieving the protection objectives.

Ag Advisory Council

Mrs. Bassin is a member now of the Farming our Future panel. There has been a request from the town of Copake to talk to the Ancram Ag Committee. Didi Barrett's office has contacted Sue Bassin to join Barrett's Ag Council.

Historian

The town hosted a meeting for 75 people on the town revitalization and the historical districts. There will be presentation for the History of the town churches at the Ancram Lutheran Church on Sunday, May 18 at 2pm.

Ruth Thomas has hired an assistant director for the summer camp.

The 82/7 intersection work in Ancram will begin at the end of April or early May. The ZEO has sent out the violations for the wind turbines on Carson road. The owners will have to reapply for permits.

The Cell Tower on Wilmer Hill Rd will be turned on in mid July and will have both AT& T and Verizon on it.

Mr. Bassin asked that a Town Board member volunteer to address the new fees produced from the revised zoning.

Mr. Bassin stated that he has spoken to the president of the Ancram Landowners Association about the large "bomb" like sounds. The Association has sent out a letter to the members asking that they respect the neighbors. They have banned large caliber weapons and are asking that the firing range not be used prior to 9 am on Sundays.

The Town continues to work on the County Emergency Plan, and will determine if there are nay projects that can be implemented that will prevent damage from flooding or ice storms.

The following budget adjustments were unanimously approved on a motion by Councilwoman Israel and seconded by Councilman Miller and moved for acceptance: From Contingent - \$10,000 to attorney; to Cemetery 8810.4 - \$4,000.00 from Fund Balance (Prior Years Appropriations). Copy of the approved budget transfer is on file with the Town Clerk. Motion carried.

A motion was made by Councilman Miller and seconded by Councilman Thomas to pay the bills. Motion carried.

After the reading of the following resolution, before the vote of the board, the following comments were made by the DeJan's: They do not agree with the law and they feel it is too strict. They stated that they had a dog that barked even when it was inside. They were very vocal about their dislike of the law. Mr. Bassin stated that the town board accepts their comments but that there was a public hearing prior to this meeting and that the town board has been working on the law for the prior 19 months.

The following resolution was offered by Councilwoman Israel and seconded by Councilman Miller and moved for adoption. Carried unanimously with a roll call vote.

Resolution #17 of 2013: Adoption of the Local Law #1 of 2013- Ancram Barking Dog Law:

Whereas the Town of Ancram Noise Law, Local Law #1 of 1997, contains provisions dealing with the control of barking dogs, and whereas recent experience with Local Law #1 of 1997 has indicated that this law requires modification, and whereas the Ancram Town Board has instructed the Town supervisor to develop a stand-alone Barking Dog Control Law to improve on the barking dog provisions of the 1997 Noise Law, and whereas the proposed new Barking Dog Control Law, Local Law #1 of 2013 has been presented to a public hearing for comment, and whereas public comments on the proposed Dog Control Law have been duly considered, therefore it is resolved that Local Law #1, the Ancram Dog Control Law, is hereby adopted, and will take effect once it has been filed by the Town Clerk with the NYS Secretary of State.

The following resolution was offered by Councilman Miller and seconded by Councilwoman Israel and moved for adoption. Carried by unanimous roll call vote.

Resolution #18 of 2013: Audit of Town Books and Records – Whereas, all Town Board members and all members of the Financial Advisory Council have received and reviewed monthly financial reports during 2012, and whereas all members of the Town Board and Financial Advisory Council have reviewed the 2012 books and records of the Town Supervisor, the Town Clerk, the Town Tax Collector and the Town Court, and whereas the Town Clerk, Town Tax Collector and Town Court has presented and outlined their financial management process to the Town Board at a recent town Board meeting, and whereas all members of the Town Board and Financial Advisory Council have completed the financial management checklists for the Town Supervisor, Town Clerk, Town Tax Collector and Town Court provided by the NYS Comptroller’s Division as part of the Comptroller’s Division Fiscal Management Manual, therefore it is resolved that the Ancram Town Board has met its responsibilities for financial oversight and review of the financial management processes and procedures of the Town of Ancram as required by Town Law.

The next town board meeting will be held on May 16, 2013 at 7:00pm preceded by a Public Hearing on the proposed Ridgeline changes at 6:30.

A motion was made by Councilman Miller and seconded by Councilwoman Israel to adjourn. Motion carried.

Respectfully submitted by,

Monica Cleveland
Ancram Town Clerk